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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

Tyrone Joseph Portee, ) Case No. 1:20-cv-01414-EPG  
Plaintiff, ) STIPULATION AND ORDER FOR  
 ) EXTENSION OF TIME

Kilolo Kijakazi, Acting  
Commissioner of Social Security,

## Defendant.

Case No. 1:20-cv-01414-EPG

## **STIPULATION AND ORDER FOR EXTENSION OF TIME**

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from November 17, 2021 to January 18, 2022, for Plaintiff to serve on defendant with Plaintiff's Opening Brief. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. Good cause exists for this extension. Counsel has recently received a greater number of Answers and Certified Administrative Records from defendant in cases in this district, and the three other California Districts, each of which require settlement negotiations or merit briefing. Counsel has a greater than usual number of merit briefs due in November and December 2021. Thus, Counsel is

1 requesting an extension through January 18, 2022 to accommodate the number of cases due.  
2 For the weeks of November 15, 2021 and November 22, 2021, Counsel has 10 merit briefs,  
3 several reply and settlement letters. Counsel also has 20 administrative hearings before the  
4 Office of Hearings Operations. For the month of December 2021, Counsel has 20 merit briefs  
5 scheduled due.

6 Counsel has also received an increase in the number of AC denials which require a  
7 review for possible filing in US District Court. Lastly, Counsel has end of the year business  
8 reviews to conduct as the CEO of Peña & Bromberg, PC.

9 Due to the increase in certified administrative records being filed by defendant, Counsel  
10 for Plaintiff has a larger than usual number of briefs due for the months of November and  
11 December 2021.

12 Compounding the issue of an increased number of merit briefs due, Counsel has  
13 preplanned vacation days for the Thanksgiving and Christmas holidays. Counsel respectfully  
14 requests the Court granted the requested extension.

15 Counsel for the Plaintiff does not intend to further delay this matter. Defendant does not  
16 oppose the requested extension. Counsel apologizes to the Defendant and Court for any  
17 inconvenience this may cause.

18  
19 Respectfully submitted,

20 Dated: November 11, 2021 PENA & BROMBERG, ATTORNEYS AT LAW

21  
22 By: /s/ Jonathan Omar Pena  
23 JONATHAN OMAR PENA  
Attorneys for Plaintiff

24  
25 Dated: November 11, 2021 PHILLIP A. TALBERT  
26 Acting United States Attorney  
27 DEBORAH LEE STACHEL  
28 Regional Chief Counsel, Region IX  
Social Security Administration

1 By: *\*/s/ Sathya Oum*  
2 Sathya Oum  
3 Special Assistant United States Attorney  
4 Attorneys for Defendant  
(\*As authorized by email on November 11, 2021)

1                           **ORDER**

2                           Pursuant to the parties' stipulation (ECF No. 21), IT IS HEREBY ORDERED that  
3 Plaintiff shall file and serve an opening brief no later than January 18, 2022. All subsequent  
4 deadlines are extended accordingly.

5                           IT IS SO ORDERED.

6                           Dated: November 15, 2021

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8                           /s/ *Erin P. Grujic*  
9                           UNITED STATES MAGISTRATE JUDGE

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